

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Allegation of corruption and possession of assets disproportionate to the known sources of income against Sri A. Ayodhya Sarma, formerly Assistant Commercial Tax Officer (Intelligence), Charminar Division, Hyderabad (now Retired) - Convicted by the Principal Special Judge for SPE & ACB Cases, Hyderabad and upheld by Hon'ble High Court - Punishment of withholding of pension and gratuity in full permanently imposed - Accused Officer filed Special Leave Petition before the Hon'ble Supreme Court of India - SLP allowed - Punishment set-aside - Regularization of suspension period from 03.11.1989 to 17.09.1996 as "not on duty" - Orders - Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Ms.) No. 1665

Dt: 27 .08.2011

Read the following:-

- 1) G.O. Ms. No.306, Revenue (Vig.I) Deptt., dt.10.03.2006.
- 2) Hon'ble Supreme Court of India, orders dt.27.10.2010 in Crl. Appeals No.919 of 2005.
- 3) Sri A. Ayodhya Sarma, ACTO (Retd.) Representation, dt.Nil.
- 4) G.O. Ms. No.303, Revenue (Vig.I) Deptt., dt.02.04.2011.

ORDER:

Whereas, in the reference 1st read above, orders were issued imposing a punishment of withholding of pension and gratuity in full permanently against Sri A. Ayodha Sarma, formerly Assistant Commercial Tax Officer (Intelligence), Charminar Division, Hyderabad (now Retired), on the ground of conduct which led to his conviction on a criminal charge.

2) And whereas, Sri A. Ayodha Sarma, Assistant Commercial Tax Officer (Retired) has approached the Hon'ble Supreme Court of India by filing Special Leave Petition (Crl) No.919/2005. The Hon'ble Supreme Court of India in the reference 2nd read above, among others, observed that the gold in question belonged to the brother of appellant and if the value of gold is deducted from the list of assets of the appellant, there are no assets disproportionate to the known sources of income of the appellant and accordingly allowed the appeal and set-aside the impugned judgment and order of the High Court.

3) And whereas, in the reference 3rd read above, Sri A. Ayodhya Sarma, Assistant Commercial Tax Officer (Retd.) has requested the Government to drop further action against him and to regularize his service in the cadres to which he is due on promotion and grant pension and pensionary benefits; keeping in view the orders of Hon'ble Supreme Court of India.

4) And whereas in the reference 4th read above, orders were issued to release the full pensionary benefits and also to give notional promotion, if any, due to him and accordingly set-aside the punishment of withholding of pension and gratuity in full permanently against Sri A. Ayodha Sarma, formerly Assistant Commercial Tax Officer (Intelligence), Charminar Division, Hyderabad (now Retired), ordered in GO 1st read above.

5) The Government have also examined the aspect of regularization of suspension period and after careful consideration of the matter, hereby regularize the period of suspension in respect of Sri A. Ayodha Sarma, formerly Assistant Commercial Tax Officer (Intelligence), Charminar Division, Hyderabad (now Retired), from 03.11.1989 to 17.09.1996 as "not on duty" under FR 54-B (5), since the period spent on suspension cannot be treated as wholly unjustified. He would not be entitled to regular pay and allowances for the suspension period except subsistence allowances already paid. However, the period would count towards notional increments, notional promotion if any due as per rules, leave etc.

P.T.O,

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6) The Commissioner of Commercial Taxes shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A. Ayodhya Sarma, Assistant Commercial Tax Officer (Retd.)
through the Commissioner of Commercial Taxes, A.P., Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.
Copy to: The Revenue (CT.I) Department for taking further necessary
action in respect of notional increments, if any.
File/SF/SCs.

// FORWARDED BY ORDER//

SECTION OFFICER